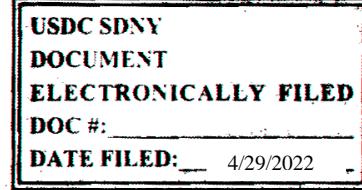


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GABINO GENAO,

Plaintiff,

21-CV-00303 (AT) (VF)

-against-

21-CV-00301 (AT) (VF)

CITY OF NEW YORK et al.,

OPINION AND ORDER

Defendants.

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VALERIE FIGUEREDO, United States Magistrate Judge:

On January 27, 2022, Plaintiff Gabino Genao filed a Motion for the Appointment of Counsel in the above referenced actions, asserting, among other things, that such appointment is warranted because (1) Plaintiff is unable to afford counsel; (2) the issues involved in the case are complex; (3) as a “segregation inmate,” Plaintiff has limited access to the law library; and (4) Plaintiff has limited knowledge of the law. Defendants have not opposed this motion.

The factors to be considered in ruling on a motion for pro bono counsel are well settled and include “the merits of plaintiff’s case, the plaintiff’s ability to pay for private counsel, plaintiff’s efforts to obtain a lawyer, the availability of counsel, and the plaintiff’s ability to gather the facts and deal with the issues if unassisted by counsel.” Cooper v. Sargent Co., 877 F.2d 170, 172-74 (2d Cir. 1989). Of these, “the factor which command[s] the most attention [is] the merits.” Id. Indeed:

[c]ourts do not perform a useful service if they appoint a volunteer lawyer to a case which a private lawyer would not take if it were brought to his or her attention. Nor do courts perform a socially justified function when they request the services of a volunteer lawyer for a meritless case that no lawyer would take were the plaintiff not indigent.

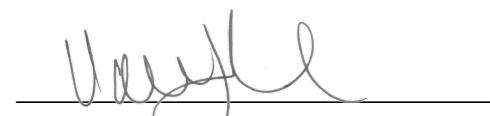
Id.

Here, Plaintiff has not made a “threshold showing of some likelihood of merit.” Id.

Accordingly, the Court denies the motion without prejudice at the current stage.

SO ORDERED.

DATED: April 29, 2022
New York, New York



VALERIE FIGUEREDO

United States Magistrate Judge